

REMARKS

Claims 1-9 are pending. Claims 1-9 have been rejected. A replacement information disclosure statement (IDS) is being submitted along with this response. The specification and claim 9 have been cosmetically amended to correct informalities as suggested by the Examiner. As explained in further detail below, the rejection of claims 1-9 is traversed because the Tokunaga references is not prior art. In view of the above amendments and the comments below, Applicants respectfully request withdrawal of the rejections and objections of the claims and allowance of the application.

Information Disclosure Statement

The office action indicates that the second document listed in the IDS listed an incorrect patent number. The Correct patent number is 5,634,006.

To correct this, a replacement IDS is being submitted to replace the IDS originally submitted on March 29, 2002. The replacement IDS lists the second document with the correct patent number 5,634,006. Applicants request that the Examiner initial the IDS and return to us a copy of the initialed IDS in the next official communication. Also, it should be noted that the replacement IDS should be entitled to the same date as the originally filed IDS. It is believed that no Fee is required. However, in the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or credit Deposit Account 50-1561.

Specification

The office action objects to the disclosure because of the following informalities:
There is a typographical error on line 27 of page 7. According to Figure 1, hosts are 102 and 104.

To avoid this objection, in paragraph 3 of page 7, reference to hosts “104 and 106” has been replaced with “102 and 104” in accordance with Figure 1.

Claim Objections

Claim 9 has been objected to for the following informalities: “host equipment network” seems to be a typographical error of “host equipment.”

To overcome this objection, in claim 9, the term “network” has been removed from the phrase “host equipment network” in accordance with the Examiner’s suggestion.

Claim Rejections – 35 USC §102

Claims 1-5, 7 and 9 have been rejected under 35 USC §102(e) as being anticipated by Tokunaga et al (US Pub. 2002/0027923).

Applicants respectfully point out the Tokunaga reference is not a prior art reference for the following reasons. The relevant paragraph of 35 USC §102 states that a person shall be entitled to a Patent unless:

102 (e) the invention was described in a patent granted on an application for patent by another
filed in the United States before the invention thereof by the applicant for patent, or on an
international application by another who has fulfilled the requirements of paragraphs (1), (2), and
(4) of section 371 (c) of this title before the invention thereof by the applicant for patent.
(Emphasis added)

In other words, it is the US filing date and not the foreign filing date of a prior art reference that is relevant. In this case, the Tokunaga reference has a US filing date of 3/5/2001 and claims priority to a Japanese filing date of 8/24/2000. However, for the purpose of 35 USC 102(e), the effective US filing date of the Tokunaga reference is 3/5/2001 and not the Japanese priority filing date of 8/24/2000. Therefore, the US filing date of the current application (10/30/2000) is earlier than the effective filing date of the Tokunaga reference (3/5/2001). Accordingly, the Tokunaga reference is not a prior art reference.

In light of the above comments, claims 1-5, 7 and 9 are not anticipated by the Tokunaga reference.

Claim Rejections – 35 USC §103

Claim 6 is rejected under 35 USC § 103(a) as being unpatentable over Tokunaga et al. in view of Schwartz (US Patent 4,805,208).

Claim 8 is rejected under 35 USC § 103(a) as being unpatentable over Tokunaga et al. in view of Keenan (US Patent 6,570,890).

As explained above, the Tokunaga reference is not a prior art reference. In addition, none of the cited references, including Schwartz or Keenan, or any combination thereof teach or suggest claims 6 and 8 or any claims of the present invention.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on February 13, 2004, Applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow claims

1-9 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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